

FILED

JAN - 8 2014

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In Re Mary Kathryn Keehan

Case No. 08-23220-C-7

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

Debtor.

Roger Bryenton

Adversary Proceeding No. 13-02211-C

Plaintiff,

vs. Mary Keehan

Defendant.

**MEMORANDUM RE: DEFAULT PAPERS**

TO: Ken R. Whittall-Scherfee

The item(s) indicated below require your attention for us to process your requested relief:

- ☐ 1. No Request for Entry of Default by Plaintiffs, form EDC 3-726, was submitted.
- ☐ 2. No Entry of Default and Order Re: Default Judgment Procedures, form EDC 3-727, was submitted.
- ☐ 3. No Certificate of Service re: Issuance of Summons was submitted.
- ☐ 4. The declaration/affidavit does not set forth the following required facts:
  - The date the summons was issued, or the summons issued date stated in the declaration/affidavit is incorrect;
  - A statement that the court has fixed a deadline for the filing of the answer or motion, or that the 30 or 35 day time limit applies;
  - The date the complaint was served on the defendant, or the date of service of the complaint on the defendant stated in the declaration/affidavit is incorrect;
  - A statement that no answer or motion has been received within the time limit fixed by the court or by Bankruptcy Rule 7012(a);
  - A statement that the defendant is not entitled to the benefits of the Servicemembers Civil Relief Act of 2003 (50 U.S.C. Appendix 501 et seq.); and/or
  - A statement that the defendant is not an infant or incompetent person.
- ☐ 5. The Summons and Complaint were not served within 14 days after the Summons was issued.
- ☐ 6. The defendant is a debtor and the debtor's attorney was not served. Fed. R. Bankr. P. 7004(g).
- ☐ 7. The defendant/debtor was not served at the address shown in their bankruptcy case.
- ☐ 8. An Answer or Motion was filed on \_\_\_\_\_ and the matter must now be set for a hearing before the judge.
- ☐ 9. An Order Extending or Reducing the Time for Filing an Answer was filed on \_\_\_\_\_ and the deadline for filing an Answer is \_\_\_\_\_. Your pleadings should be resubmitted to the court, if appropriate, upon expiration of the deadline.
- ☒ 10. Other: Untimely service of Reissued Summons and Amended Complaint made on Debtor/Defendant's Attorney. Reissued Summons issued on 10/7/13, and service was made on 12/4/13.

DATED: 1-8-13

EDC 4-100 (Rev. 10/1/12)

By:

Deputy Clerk  
U.S. Bankruptcy Court  
501 I Street, Suite 3-200  
Sacramento, CA 95814-2322  
(916) 930-4400

AWYS